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AUTHOR Garcia, John A.
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ABSTRACT

Although Arizona's Chicano population has increased since 1960, their generally lower socioeconomic status has had a direct impact on their voting participation. Such problems as language, altered polling places and precinct boundaries, absence of bilingual staff, and literacy tests have also contributed to the voting difficulties encountered by Chicanos in Arizona elections. A major problem facing the monitoring of voter registration and voting among Chicanos lies with the available information or lack of it regarding registration and turnout figures. Although a paucity of voting statistical information is generally the case for Arizona, what little information is available indicates that underregistration and concomitantly, low turnout rates are pervasive among Chicanos. This lack of information creates problems of effective monitoring and evaluating of election changes submitted to the Justice Department, i.e., changes of political boundaries, in election laws, and in precinct boundaries or polling places. Yet before the impact of the 1975 Voting Rights Act, which aims to ensure that citizens' right to vote is not denied due to race, color, or language, can be determined, several unresolved issues and problems need to be considered, i.e., Arizona's purge laws, alteration in polling places or precinct boundaries, involvement of citizens or organizations in the monitoring process, and the collection of relevant election information. This paper characterizes the socio-political environment of Arizona, relates it to the concerns and objectives of the Voting Rights Act, and assesses any early discernible patterns of the impact of this legislation. (NQ)

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THE EXTENSION OF THE VOTING RIGHTS ACT: THE CASE OF ARIZONA

BY
JOHN A. GARCIA
DEPARTMENT OF POLITICAL SCIENCE
UNIVERSITY OF ARIZONA

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The Extension of the Voting Rights Act: The Case of Arizona

The passage of the 1975 Voting Rights Act expanded the jurisdictional scope of federal scrutiny of the states' electoral systems. Broadening the coverage to include linguistic minorities, particularly in the Southwest, is expected to affect positively the voting strengths of Chicanos, native Americans, Asians and blacks. For example, the results of ten years of voting rights coverage in the South has led to an increase in the numbers of black elected officials and greater registration and voting rates. This paper is an attempt to characterize the socio-political environment of Arizona, relate it to the concerns and objectives of the Voting Rights Act, and assess any early discernible patterns of the impact of this legislation.

The thrust of the voting rights legislation is to ensure that citizens' right to vote will not be denied on account of race, color or language. The primary policy goals are: use of federal examiners to insure that eligible persons are permitted to register to vote; use of federal observers to monitor and report on the conduct of elections; implementation of bilingual elections; and approval by the U.S. Justice Department of any changes in election laws before they are put into effect. These objectives will be examined as it affects Chicanos and the electoral process in Arizona.

Arizona: Demographic Profile

A discussion of the demographic profile of Arizona will serve as an introductory description of the status of Chicanos. Arizona has been experiencing a major increase in population. During the past decade (1960-1970), Arizona has grown at the rate of 3.5% annually. As the total state population has increased, the numbers of Chicanos has expanded to 417,400. Areas of high increase are Maricopa and Pima counties From 1960 to 1970 the numbers of Chicanos in Maricopa County increased by 77.8% (78,996 to 140,604); and Chicanos in Pima County increased by 86.1% (44,481 to 82,916) Although, the absolute numbers of Chicanos have increased, their relative proportion of the state's population has not changed as significantly. The percentage of Chicanos in Arizona has changed from 14.9% to 18.1% from 1960 to 1970. As the numbers of Chicanos have grown, so has natural increase of Anglos and more so, the immigration of individuals from other parts of the United States. As a result, the significant Chicano increase (7.1% annually) is over compensated by the "sun belt" attraction of Arizona to a multitude of migrants.

The distribution of Chicanos is concentrated in a small number of Arizona's fourteen counties. In terms of absolute numbers, two-thirds of all Chicanos live in Maricopa and Pima counties. (See Table 1). Yet, in terms of significant percentage of the county's population, Chicanos are sizeable concentrations in Santa Cruz (74.0%), Greelee (50.4%), Cochise (32.3%), and

TABLE 1

Chicano Population in Arizona Counties*

County	Chicano Population	% of Total County Population
Apache	3,000	7.8 %
Cochise	24,800	32.3
Coconino	8,700	12.9
Gila	8,900	27.2
Graham	4,800	23.4
Greenlee	6,000	50.4
Maricopa	177,800	14.1
Mohave	2,600.	6.8
Navaho	6,500	11.1
Pima	104,100	22.9
Pinal	32,000	35.8
Santa Cruz	13,400	74.0
Yavapi	6,000	11.8
Yuma	18,800	25.9
	417,400	18.2 %

Arizona population (1976)- 2,295,000

*Figures based on Arizona Statistical Review (32nd edition) Valley National Bank of America, September, 1976. Population figures are based on 1975 figures.

Pinal counties (35.8%) The concentration and percentage of the county population can serve as an important indicator of actual and potential voting strength.

Sociodemographically, disparities still exist between Chicano and Anglos. Chicanos have a three year gap in their educational attainment from Anglos; a two thousand dollar differential exists for family incomes; and two and one-half more Chicanos are below the poverty level than Anglos. (see Table 2). Occupationally, Chicanos are not well represented in the professional and managerial categories, and over-represented in the laborer category. The generally lower socioeconomic status of Chicanos has a direct impact on voting participation. Verba and Nie (1974) posit the importance of socioeconomic status as a key component in high voter participation. Structurally oriented efforts like the Voting Rights may serve to compensate for the socioeconomic differentials between Chicanos and Anglos and raise their voting levels. Finally, the distribution of Chicanos in Arizona counties point out areas where voter registration efforts may be concentrated. With this brief profile of Chicanos in Arizona, the following section will be a brief discussion of the types of problems Chicanos have enccuntered in the voting process.

Voting Rights Act: Ten Years Later

The Civil Rights Commission's report (1975) on the impact of the Voting Rights Act focuses on specific incidences that

Table 2

Socio-Demographic Characteristics of Chicanos and Anglos in Arizona

Socio-Demographic Characteristics	Chicano	Anglo
Median Educational Attainment	9.3 yrs.	12.3 yrs
Occupational Categories		
Professional	7.9 %	15.8 %
Management/Administrative	4.9	12.1
Laborers	15.1	6.3
Family Income	7512	9484
Per cent below poverty	20.2	7.8

Chicanos and native Americans have experienced in Arizona elections. The types of problems encountered include language, altered polling places and precinct boundaries, absence of bilingual staff and literacy tests.

Language has been a problem for Chicanos at the polls. When poll workers do not have Spanish-speaking capabilities, there may be difficulties in locating Spanish-surnames on registration rolls. In the 1974 election in Tucson, Arizona, a Chicano voter was unable to vote when the roster clerk could not determine her name. After considerable difficulties with the workers, she had to go to the county courthouse to verify her registered status. (Civil Rights Commission, 1975:103). The difficulty of poll workers ability to understand Spanish, even being able to determine Spanish surnames was not an uncommon occurrence in Chicano precincts.

Despite assurances from Arizona officials, the availability of bilingual workers at Chicano precincts is questionable. Visits by Civil Rights Commission staff members to several polling sites in November, 1974 revealed that few, if any, bilingual workers were available in most precincts (Civil Rights Commission, 1975:116). Only one of the election supervisors in the eight predominantly Chicano Tucson precincts visited was bilingual.

Besides language problems, another issue is a higher incidence of changed poll locations in Chicano precincts. In Arizona, the county may either indicate the new polling place on

the mailed sample ballot or or a separate notice of change. Minority persons have reported that voters were unaware of changes (Civil Rights Commission, 1975:108). The campaign manager for Governor Raul Castro reported a change of a "traditional barrio landmark" in a Chicano precinct to an "obscure" place without informing the precinct voters. Even when notice is given, it is not effective unless it is in the language that the voter knows.

One final example of voting difficulties deals with a change in election laws which removed the option for straight party voting. Without straight party voting, Spanish-speaking voters will need assistance for each race or he may not be able to finish voting because of time limits. For this reason, the Justice Department approved prohibition of straight party voting on the condition that adequate staff assistance would be available for minority voters and sufficient time allowed. Nevertheless, in the November 1974 election in Tucson, a Civil Rights Commission staff member observed a Chicano confused because he could not vote straight party. The election superintendent did not offer assistance, but re-emphasized the prohibition of straight party voting (Civil Rights Commission, 1975:23). This brief discussion outlines the types of difficulties the Chicano voters encounter in the electoral process. The act of voting begins with the establishment of eligibility, registering, informing oneself and exercising the votes. The following section will be a discussion of registration and voting rates for Chicanos.

Elections: Registration and Turnout

One of the key foci of the Voting Rights Act is the extent of voter registration and voting among minorities, in this case, Chicanos. This information becomes important both as an indicator of severely underregistered areas, as well as a measure of impact. All areas which have fewer than fifty percent of linguistic minorities registered and more than five percent linguistic minorities are covered by the legislation. One major problem facing the monitoring of this aspect lies with the available information or lack of it regarding registration and turnout figures. Correspondence between Mexican American Legal Defense and Education Fund (1976) and Justice Department signify the type of concerns regarding available information.

The Justice Department had petitioned Arizona to provide information on voter statistics by race and Spanish heritage for all legislative districts. Yet the state Attorney General's office indicated that such information was not available, nor were estimates possible (MALDEF, 1976:2). As a result of non-information, the Justice Department is placed in a position of suspending action on proposed electoral changes or continue to press for the information while making some judgments on submitted election changes.

MALDEF has taken a position that the absence of voting information should enable the Justice Department to suspend action on any submitted election changes by Arizona political jurisdictions. This situation illlustrates a critical problem of

monitoring the legislation. Examining section 5 submissions (Preclearance for proposed election law changes) for Arizona, actions have been taken on election laws and procedures while information on voter statistics have been incomplete. Voting statistics on Chicanos are critical for monitoring, as well as identifying key areas for any voter registration efforts. This researcher was able to find one political subdivision that had some information on registration. The city of Tucson had prepared a document regarding the percentage of Spanish surnames registered in each city precinct. Information also exists for the percent "Spanish" registration by ward and for the entire city. Presently, Chicanos registered in Tucson are 11.5% of the total registered voters, while constituting 20-25% of the city's population (City of Tucson, 1976).

Although specific information on voting statistics in Arizona is difficult to obtain, the Census Bureau does have some limited data on voting and registration for the Spanish-speaking population in the U.S. (Census Bureau; 1976). The Spanish-speaking are consistently lower than the national average of those reported voting in Presidential and Congressional elections. (see Table 3) Whereas, fifty-nine percent of Americans voted in 1976, only thirty-two percent of the Spanish-speaking voted. Consistently, the Spanish-speaking are twenty to twenty-five percentage points below the national average.

A similar pattern exists for registration rates. The

Table 3

Report Voting and Registration Rates by Total United States Population and Spanish: November 1964 to 1976

Voting Races	Presidential Elections '76	'72	'68	'64	Congressional Elections '74	'70	'66
Total Voting Age (US)	146,548	136,203	116,535	110,604	141,299	120,701	112,800
Percent Reported Voting	59.2	63.0	67.8	69.3	44.7	54.6	55.4
Percent Spanish Origin Voting	31.8	37.5	(NA)	(NA)	22.9	(NA)	(NA)
Registration Rates							
Total Voting Age (US) (percent reported registered)	66.7	72.3	74.3	(NA)	62.2	68.1	70.3
Percent Spanish Origin Registered	37.8	44.4	(NA)	(NA)	34.9	(NA)	(NA)

Source: Population Characteristics (Voter Participation in November, 1976, Advanced Report) U.S. Department of Commerce, Bureau of Census, Series P-20, No. 304, December, 1976.

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Spanish-speaking are consistently 25-30% points below the national registration average. Two-thirds of the eligible voters were registered for the 1976 election, yet only 38% of the Spanish-speaking were registered. In addition, Census Bureau Report No. 304 (1976) examined the November, 1974 election and found 34.9% persons of Spanish origin registered and 22.9% voting. Interesting, those who had not registered to vote, 37.8% indicated that they did not know how or where to register.

Although a paucity of voting statistical information is generally the case for Arizona, as well as most other states, what little information is available indicates underregistration and concomitantly, low turnout rates are pervasive among Chicanos. The lack of information creates problems of effective monitoring and evaluating submissions, as well as providing local Chicano groups important information for voter education and registration drives. The slow effort to insure political subdivisions collect and provide voting statistics will be an important area of concern under the Voting Rights Act.

Section 5: Submissions and Rulings

Section 5 involves the monitoring of election changes from each political subdivision under coverage by the Voting Rights Acts. Since 1970, in which five counties were included in the coverage (Cochise, Mohave, Pima, Pinal and Santa Cruz), over two hundred submissions have been reviewed by the Justice Department. As previously stated, the review involves voting statistics,

effect and possible discriminatory impact on minorities, and any other relevant material that may be needed to assess the voting change. The Justice Department has sixty days from the time it receives the submission to make its decision as to whether it will object to the change in law or not. If the Department objects then new, nonobjectionable legislation is submitted or the present law stays in force.

During this review process, citizens can submit their support or opposition to the proposed changes. Unfortunately, this requires considerable effort and knowledge of electoral changes to meet the time constraints. Also, a "watchdog" strategy is necessary to keep abreast of voting changes. Thus, for the most part, the Justice Department must reach a decision on the basis of the information that the political subdivision has submitted.

A listing of section 5 submissions from 1971 to February, 1977 were examined. The listing indicated the jurisdictions, date, and the type of submission, as well as the action taken. The submissions were categorized into seven groupings. They included: reregistration-purge laws; bond elections; bilingual changes; redistricting; change in polling places or precincts; annexations or incorporations; and election laws (i.e., residency, age, candidate requirements, etc.). Most of the submissions were from Arizona communities. (see Table 4).

The category with the greatest number of submissions was annexations-incorporations. Since this involved a change of political boundaries, it could affect potentially the voting

Table 4

Frequencies and Types of Voting Changes Submitted to U.S. Department of Justice (as of 1/21/77)

Voting Changes	Political Jurisdiction			
	State	County	School District	City/Town
Registration/ Purge	2 (100)*	6 (100)*	-	8 (100)
Bond Election	1 (0.0)	1 (100)	21 (90.5)*	7 (85.7)
Bilingual	2 (100)	9 (88.9)	30 (93.3)	25 (88)
Redistricting	6 (100)	1 (100)	3 (66.7)	3 (100)
Poll Places/Precinct Changes	17 (100)	30 (80)	13 (100)	54 (81.8)
Annexation/Incorporation	-	-	-	122 (100)
Election Law	17 (70.5)	16 (100)	10 (100)	57 (88.9)
Miscellaneous	-	-	-	8 (87.5)
n =	45	63	77	284

N = 467

* Percent of submissions approved without objections.

strength of Chicanos and other minorities. One hundred percent of these submissions were approved. The second largest category was changes in election laws. All jurisdictions were involved and approval rates ranged from 70.5 to 100 per cent. Only state government and local communities had any difficulties with their proposed changes.

The third largest category was changes in precinct boundaries or polling places. All political subdivisions were involved and range from 80-100% of the changes were approved. Counties and local communities experienced some difficulty in successfully altering precent lines or polling places. The other categories indicated which jurisdictions were involved more in what types of election changes. For example, bond elections are a school district activity, and bi-lingual laws occur more frequently in school district and local jurisdictions.

Although the Justice Department does give a complete listing of all submissions, dates, jurisdiction, and action, it becomes very difficult to establish patterns as only the brief descriptions of election changes and whether objections were made or not are given. The specific nature of the submission is not known and it would involve detailed content analysis to make some evaluative judgment as to the nature of Arizona voting changes. In addition, the action of no objections or improper was not elaborated. It is difficult to know the rationale for the Justice Department's actions and whether other interpretations are possible. Thus, section 5 submissions only give a cursory

look of what is going on in Arizona election laws. It becomes important to go beyond the categorization and frequency of election changes to understand how election laws are affecting Chicanos.

Voting Rights Act: Problem Areas and Prospects

The previous sections have illustrated the types of election problems faced by Chicanos in Arizona, some indication of voting levels, and the types of election changes submitted to the Justice Department. This brief look at Chicanos in Arizona does not fully indicate the impact of the Voting Rights Act, yet there are several unresolved issues and problems that should be incorporated in any evaluation of the Voting Rights Act. Arizona altered its re-registration period in 1972 lessening the time intervals for the purging of voting rolls. Prior to 1972, voters could maintain their registered status by voting once every four years; yet the new law purges nonvoters if they do not vote in the general election every two years. Although approved by the Justice Department, the impact has had a major effect on Chicano voters. For example, in Tucson precincts, changes in registration for a two year period indicate a fluctuation of 14% loss for Chicano precincts, compared to an average of 11% increase for Anglo precincts (Garcia, 1976-7). The effects of the purge is significant, yet it would be difficult to show the intent of the purge laws was discriminatory.

The same effect seems apparent for straight party voting.

The absence of this option in 1974 seems to have had a greater impact in minority precincts. Again, the law does not, on the face of it, seems to be discriminatory. These examples raise an important issue of the intent of election changes vs. the effect of those changes. Recently Court decisions, particularly in school desegregation cases, distinguishes between intent and effect, with the burden of proof of discrimination on plantiffs. In the evaluation of election changes by the Justice Department, this issue can become quite important. That it, on what criteria are election changes made in order to assess its relationship to minority voters?

Concomitantly, there is the question of independent decision-making by the Justice Department on election changes. Much of the decision rests on the information presented by the political subdivision requesting the change with little additional information from citizens or organized groups. This procedure would rule out blatant discriminatory election laws, but not be as sensitive to the subtlties in which local participants would have greater insights than federal monitors. A possible example of this pattern lies with precinct boundary changes.

Alteration in polling places and/or precinct boundaries are examined usually in terms of percentage change in minority voters, percentage of minority voters and the acceptability of the polling place with precinct residents. Yet other factors could include the rationale for altering precinct lines,

particularly subdividing existing precincts, and varied size of precincts. As mentioned earlier, the State of Arizona and its cities have experienced rapid population increases. If one examines, precinct boundary changes in Tucson for 1976, the vast majority of changes occurred in the older sections of the city and the inner city (Garcia, 1976). Thus, stable or declining areas undergo precinct boundaries changes and areas of growth undergo less.

Changing the boundary requires altering or creating new polling places. These changes can confused and diminish voting in these areas. Also, variation of precincts size, although affected by the number of eligible voters, is another concern. The number of registered voters can varied from four voters (San Xavier reservation) to three thousand voters in Pima county. Although, precincts are not required to be of relatively equal size, such wide variations might require some explanations. These examples serve two purposes. 1) They illustrate the complexity of evaluating election changes and 2) the concern whether independent evaluations by the Justice Department are always possible.

Another issue that is associated with the previous discussion, is the involvement of citizens or organizations in the monitoring process. Since the kind of information received can affect Justice Department actions, citizens and/or organizations can provide additional information or alternative perspectives on proposed changes. Yet, the extent of individual

involvement wil be low due to the lack of visibility of election changes and high individual costs (i.e., resources) to become involved in this process. Organizations such as MALDEF attempt to scrutinize election changes, yet the numbers of changes submitted and review will tax any organization's resources. Thus, this issue is an attempt to illustrate the difficulties for other inputs on election changes from citizens and organizations on a sustained basis.

A final area lies in the collection of relevant election information to monitor effectively this legislation. The amount of voting information on Chicanos, native Americans and blacks in Arizona is quite sketchy. Political subdivisions indicate that it is the absence of such information and the difficulties to obtain it. Unless greater efforts to collect and provide voting statistics, it will be increasingly more difficult to assess election changes and any impact of the Voting Rights Act.

This whole discussion has focused on opening up the use of the ballot box for linguistic minorities in Arizona. Yet it may be unresolved whether Chicanos or native Americans should expend their resources and energies in this area. Much of the success in the South was the result of active, organized black groups capitalizing on the Votng Rights Act with extensive voter registration efforts. Yet, black activists in Arizona may not see this approach as significantly altering their political resources, particularly due to their small population. Thus a key question lies in the value placed by Chicanos on the

electoral process. The history of lower political participation, subjugation and lower psychological attachment to the political system (McClesky and Merrill, 1973) posed significant problems to overcome. Whether the decision is to seize actively on the thrust of the Voting Rights Act or pursue non-electoral organizational activity; either strategy will require substantial resources and commitment.

With the extension of the Voting Rights Act only in force for two years, it is difficult to assess its total impact. The federal involvement in monitoring the election process has resulted in greater attempts to deal with the linguistic problems of Chicanos and native Americans. Yet, the monitor process is one that requires major inputs by the linguistic minorities affected in order to protect their self interests. Finally, the success of this legislation may fall on Chicanos themselves. The degree of importance placed on voting and the extent of organizational effort exercised will be the more crucial factors affecting significant changes in upcoming elections for Chicanos in Arizona.

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